

CITY OF ALAMO HEIGHTS
CITY COUNCIL
January 12, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, January 12, 2009.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Jill Souter
Councilman Stan McCormick
Councilman Bobby Rosenthal
Councilman Bill Kiel
Councilwoman Susan Harwell

Also attending was:

City Manager Rebecca Waldman
City Attorney Mike Brenan
Assistant City Manager/Public Works Director Shawn P. Eddy
Assistant to City Manager/Information Technology Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Ann McGlone
Human Resources Manager/Deputy City Secretary Judith E. Surratt
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt

Absent was:

City Secretary Jennifer Reyna

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Mayor Louis Cooper opened the meeting at 5:34 p.m. and asked City Council for any corrections to the minutes of the December 8, 2008, City Council Meeting. Mayor Pro Tem Jill Souter and Councilwoman Susan Harwell requested amendments. A motion was made by Councilman Bobby Rosenthal to approve the minutes as revised. The motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

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Citizens To Be Heard Concerning Non-Agenda Items]

Ms. Margaret Houston, 140 Patterson, wished the Council and Administrative staff a Happy New Year and expressed her expectations of a successful new year. Ms. Houston reported that she, Ms. Margaret Spencer, Ms. Pat Evans, Mr. and Mrs. Fehrenbach, and Mr. Lucien Bolduc were involved in collecting funds to provide a warm meal for the Police Department on Christmas Eve and Christmas Day. Ms. Houston listed the several individuals as well as small businesses in and around Alamo Heights that helped make this dinner possible through their generous contributions. Ms. Houston commented that the meals were obtained from Central Market and were packaged individually for ease in

warming and refrigeration, and that she had received favorable feedback on the revised holiday giving.

Ms. Houston also stated her concern about the water running down Broadway. She mentioned that the limits on water use may come earlier than later.

Mayor Cooper thanked Ms. Houston and all of the residents who contributed to the holiday meals for the Police Department.

Ms. Margaret Spencer, 140 Patterson, thanked Margaret Houston for getting the holidays meals together. Ms. Spencer also thanked Police Chief Rick Pruitt for the well-written thank you letter.

Ms. Spencer also reported to Council that she had received a certified letter from the City regarding the proposed solid waste improvements. She inquired if the City had applied for a bulk mail permit to reduce the cost of postage for this type of mail. Ms. Spencer also questioned if the letter could have accompanied the water bill.

Councilman McCormick complimented Mayor Cooper for allowing the citizens of Alamo Heights to provide their comments during the Citizens To Be Heard segment. Councilman McCormick added that in another local municipality, this segment was removed from the agenda because, in their opinion, it created inefficiency. Councilman McCormick stated that the City of Alamo Heights Council Members are public servants not public masters and every citizen has a right to be heard.

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Consent Items

Item # 3 Mayor Cooper read the following caption.

**REQUEST FOR PERMISSION TO REFUND A DUPLICATE OR
ERRONEOUS PROPERTY TAX PAYMENT TO BANK OF
AMERICA ON BEHALF OF OWNERS OF PROPERTY AT 2
ROCKRIDGE LANE, IN THE AMOUNT \$1,159.82**

A motion for approval was made by Councilman Rosenthal. The motion was seconded by Councilman McCormick and passed by unanimous vote.

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Items for Individual Consideration.

Item # 4 Mayor Cooper read the following caption to an Ordinance.

ORDINANCE NO. 1803

AN ORDINANCE AMENDING CHAPTER 10, MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE 1, IN GENERAL, BY EXPANDING THE PROHIBITION AGAINST PLACING ADVERTISEMENTS ON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE PROPERTY OWNER

Police Chief Rick Pruitt made a PowerPoint presentation on amending Chapter 10. Mayor Pro Tem Souter inquired if this item was presented to the Infrastructure and Services Committee. Chief Pruitt confirmed. She also questioned Chief Pruitt to why it was not presented to the Neighborhood Character and Commercial Revitalization Committee because it involved some signage. Chief Pruitt informed Council that this is aligned with solicitors and not sign usage; therefore, it was presented to the Infrastructure and Services Committee. Mayor Pro Tem Souter also inquired about enforcement of this ordinance and gave some examples. Chief Pruitt stated that the department will follow up.

Councilwoman Harwell questioned if this ordinance covered business signs/solicitation. Chief Pruitt stated that this amendment also covers business signs and currently business signs on yards are not allowed. This particular amendment is for solicitation by throwing circulars into yards without the owners' permission.

Councilwoman Harwell inquired if this would interfere with political advertising. Chief Pruitt responded that it would not affect non-profit organizations or first amendments rights. Councilwoman Harwell commented that this ordinance focuses on littering.

Councilman Kiel inquired about the fine for violation of the ordinance. Chief Pruitt stated that it can be as high as \$200.00. Councilman Kiel asked how the process will work in determining who is responsible for a violation the ordinance. Chief Pruitt replied that the Police Department will have to catch them in the act and the citation will be issued to the individual and not to the business or business owner.

A motion for approval was made by Councilman Kiel. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

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Staff Reports

Item # 5 **Announcement of Citizens' Advisory Group (CAG) for Facilities Design Services**

Shawn Eddy, Assistant City Manager/Public Works Director, announced the Facilities Committee's preliminary list of members for the newly created Citizens' Advisory Group who will advise the committee regarding construction of municipal facilities. They are: Lucien Bolduc, Barbara Dreeben, Al Honigblum, Michael Imber, Troy Jesse, Bill Shown, and Banks Smith. Mr. Eddy stated that there may be an addition of two more members, but that confirmation had not yet been received.

Mayor Cooper commented how important it is to have citizens' input on this entire programming. Councilman Kiel agreed with Mayor Cooper that the citizens' involvement is crucial. Councilman Kiel talked about the process of choosing the participants and stated the members of the group are from diverse backgrounds. Mayor Pro Tem Souter complimented Mayor Cooper for initiating the idea for the creation of the group. Councilwoman Harwell thanked the committee, staff and citizens for agreeing to serve.

Margaret Houston, 140 Patterson, inquired if there were more women who were invited to be part of the CAG. Mayor Cooper stated that there was one woman who declined to serve and staff was awaiting responses from two other women on whether they would be willing to serve on the committee.

Councilman Kiel added that this was not the final list of members but that the City needed to get the information on the group out to the public.

Item # 6 **Briefing on a petition received from citizens requesting a stop sign on Alta Avenue at Columbine Street for east and westbound traffic**

Police Chief Rick Pruitt provided an update on a petition received from citizens, saying that 995 vehicles were surveyed. Chief Pruitt also provided a breakdown of the number of vehicles that were cars and the number that were trucks as well as the speed of the vehicles.

Chief Pruitt then reported possible solutions to resolve the citizens' concerns were to grant their request for a stop sign or put the request on hold and monitor the legislature to see if there will be a bill submitted to reduce speed limits within the city. He added that if a 4-way stop was not favorable to Council, the options available would be to maintain a 2-way stop intersection or move the stop sign from Columbine Street to Alta Avenue and adjust the city codes.

Councilwoman Harwell inquired the timeframe and dates that the traffic survey was conducted. Chief Pruitt reported that it is a 24 hour survey. This was conducted in the fall when school was in session. Councilman Kiel inquired about the type of equipment that was used. Chief Pruitt explained it was a traffic measurement device, a plate placed in the road that counts vehicles and measures their speed and provides information on type of vehicle.

Councilman Rosenthal stated that the homes on Columbine have driveway side entrances and that he does not recommend removing the stop sign at Columbine. Mayor Pro Tem Souter inquired about the traffic count on Columbine Street, going both ways. Chief Pruitt stated that there was not count made. Mayor Pro Tem Souter agreed with Councilman Rosenthal and does not support the option to remove and relocate the stop sign from Columbine Street.

Councilman Kiel commented that this is a popular pedestrian street. Councilwoman Harwell emphasized that this neighborhood is one block off Broadway Street and there is a day school located at the corner. On a few occasional fall mornings,

Councilwoman Harwell observed there were joggers and walkers on the street and recommended a stop sign be erected.

Councilman Kiel stated that toddlers and pre-schoolers from the Alamo Heights Presbyterian Church Child Development Center walk around the school area. They are usually in either in wagons being pulled by the teachers or simply holding each others' hands while walking.

Bobby Pace, 119 Alta Avenue, a homeowner of 6 years, stated that the neighborhood is used as a thoroughfare for parents dropping off children at school; adding that parking on street is excessive. Mr. Pace spoke favorably for a stop sign.

Councilwoman Harwell thanked Mr. Pace for coming and speaking. Councilwoman Harwell spoke to a resident of Alta Avenue. The resident mentioned to Councilwoman Harwell that the employees of the businesses park in this area and the citizens have trouble getting out of their driveways.

Mayor Pro Tem Souter favors the stop signs, especially since there is no traffic impact on adjacent streets because there are currently 4-way stops signs on those streets. She also stated that if legislation did pass allowing Cities to decrease the residential street speed limits then maybe the City can relook at the number of stop signs within the City. Councilwoman Harwell stated that this is a balancing act with convenience and safety.

Councilman McCormick agreed with Councilwoman Harwell that this is a safety issue. Chief Pruitt will prepare this as an agenda item for the January 26, 2009 City Council Meeting.

Item # 7 **Briefing on vehicular parking on Mary "D" Avenue between Broadway and Encino Avenue**

Police Chief Rick Pruitt provided a PowerPoint presentation on the history of the parking issue on Mary D. He pointed out that the residents want relief from the overflow parking from the adjacent businesses and the commercial property owners are requesting consideration for additional areas designated as two-hour parking on Mary D to provide more parking availability during peak business periods.

Ted (T.R.) Fehrenbach, 131 Mary D, resident of 43 years, provided background on how the parking variances came about. He also stated that the current signage located on the northside of Mary D has proven legally insufficient because tickets have been dismissed by the Judge stating that more than one sign needed for enforcement. Mr. Fehrenbach also expressed his displeasure with the hours of trash pick up at the adjacent businesses on Broadway, adding that trash pick up can be anywhere from 4:30 am and 6:00 a.m. and this week's trash pick-up occurred at 4:30 a.m. Mr. Fehrenbach suggested that the City create necessary parking signage and limit parking to only residents and their guests.

Tom Hall, 123 Mary D, resident of 24 years, related to Council that when he moved into his home, there was a no parking sign in front of his house. Mr. Hall shared his communication with the City Engineer at the time, Paul Sontag. Mr. Hall stated there is not sufficient parking for existing businesses all along Broadway and Austin Hwy. He also stated that over the years he has had to pick up a considerable amount of trash from his

yard discarded by the people parking in front of his home. Mr. Hall went on to say that the City was incorporated as a residential community and that businesses were allowed for the convenience of the residents. He concluded by saying that the community is growing and the parking issue needs to be addressed.

Mr. George Geis, an Alamo Heights commercial property owner and a former long-time resident, commented that the condition of the business district is better than it has ever been and that the City was not just incorporated to be residential but mixed development. Mr. Geis informed the members of the Council that he felt the problem with overflow parking is mainly between the 11:30 a.m. and 2:00 p.m. lunch rush. He went on to say that he had talked with Chief Pruitt previously about the parking problem and one of the problems on the southside of Mary D is that everyone wants to drive a car, including employees of the businesses who want to park in a convenient location to ensure their vehicle is not damaged or burglarized. Mr. Geis added that he agrees with the 2 hour parking limit on the southside of Mary D, but doesn't agree with restricted parking on the northside. Mr. Geis noted that the trash issue is a separate issue from the parking and that it can be easily worked out.

Ms. Margaret Houston, 140 Patterson Avenue, informed the Council that there is a flooding issue at the Exchange parking area and that, when there is heavy rain, people move their cars to higher ground to avoid having them washed away.

Mr. Cappy Lawton, business owner and resident of 402 Harrison Avenue explained to Council that there is not a shortage of parking available at the Exchange but these spaces are closer to the bus stop near HEB. The parking area next to Cappy's restaurant is usually full due to the fact that most of the retail businesses are located in that area and their employees park there. He stated that he has customers comment that they were unable to find parking almost every single day. Mr. Lawton said that it made more sense to him to have 2 hour parking on the southside of Mary D instead of the current unrestricted parking. He stated having restricted 2 hour parking either all day or during certain times would work because it would keep the employees from parking on Mary D. Mr. Lawton also stated that he had addressed the issue of trash dumpster pick up times with his provider and that issue should have been corrected, adding that his is not the only business in the area that has dumpster pick up. Mr. Lawton expressed his desire to be the best neighbor he could be and passed out his business cards to residents with instructions to contact him at any time of day or night if they had any problem with his business.

A lengthy discussion between Council Members, business owners and residents ensued. The City Council suggested that this item go back to Infrastructure and Services Committee for discussion and then will come back to Council with a recommendation to be voted on.

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Item # 8 City Manager's Report

- a. Alamo Heights Comprehensive Plan Update and Design Workshop
scheduled for January 17, 2009**

City Manager Rebecca Waldman announced that Community Development Director Ann McGlone was in Boulder, Colorado serving on a panel entitled "Compatible Development in Single Family Neighborhoods". Therefore, Ms. Waldman was reporting on the Comprehensive Plan. She stated that the City has completed the first round of Comprehensive Plan Neighborhood Meetings. She invited the public to attend the upcoming Design Workshop that is scheduled for Saturday morning, January 17, 2009 at the Alamo Heights High School. The purpose of the workshop is for citizens, architects, planners, and staff to develop a vision for Alamo Heights' future based on common themes from the neighborhood meetings. Ms. Waldman stated that after the workshop, staff will meet with the experts who staffed the tables and conducted the discussions with residents begin to draft the Comprehensive Plan.

b. Council meeting on Monday, May 25th to be rescheduled to Tuesday, May 26th due to the Memorial Day Holiday and discussion of no City Council Meetings in July due to Budget Preparation

City Manager Rebecca Waldman reminded the Council that Monday, May 11th and Monday, May 25th are the scheduled dates for City Council Meetings in May; however, May 25th is a holiday and, therefore, she suggested moving the Council Meeting to Tuesday, May 26th. Ms. Waldman also suggested consideration of cancelling the Council Meetings in July to allow Council Members and staff more time to prepare for the budget process.

Councilman Kiel suggested that, as we get closer to July, staff reevaluate the need for at least one meeting in July. Councilwoman Harwell requested that staff take into consideration the dates of Spring Break when scheduling the Council Meetings.

c. Recognition of sponsors of Employee Recognition/Holiday Banquet and other holiday donations

Ms. Waldman then thanked the members of Council for their attendance at the Employees Recognition and Holiday Banquet, commenting that they contributed to its great success. Ms. Waldman showed a PowerPoint presentation listing the names of the citizens and businesses that contributed to the event and expressed her appreciation to them for making the event possible. She then went on to thank the members of the organizing committee and the Fire Department employees who provided entertainment.

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Time Certain Item – 6:30 p.m.

Item #9 Public discussion of proposed solid waste service improvements and regulation of commercial solid waste operations

Assistant City Manager and Public Works Director Shawn Eddy opened the discussion item at 7:40 p.m. with a PowerPoint presentation summarizing the City's plans for this project.

Margaret Houston, 140 Patterson Avenue, asked Mr. Eddy if this project would clear out all of the ugly trash cans in the rental unit areas. Mr. Eddy responded that for the multi-family establishments participation would be voluntary. He also informed Council that it was discussed making the non-residential properties mandatory but, due to some feedback from business owners, staff is reevaluating this recommendation and might also suggest making it voluntary. Ms. Houston also inquired if pick up times for trash dumpsters would be addressed, adding that the noise greatly affects residents and suggested a schedule of 9:00 a.m. to 5:00 p.m., Monday through Friday only.

Councilman Kiel asked Mr. Eddy if we have received any feedback from the commercial businesses or the dumpster providers. Mr. Eddy stated that he has not received any comments but did speak with a representative that had attended tonight's Council meeting but had to leave early, who stated that their company typically does not operate outside these hours.

After a lengthy discussion by Council Members concerning the time of dumpster pickup, City Council recommended the hours from 8:00 a.m. to 8:00 p.m. be considered. Mr. Eddy stated that the revised proposed solid waste service improvements and regulation of commercial solid waste operations will come back to Council in a future meeting date to be voted upon.

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Mayor Cooper adjourned the regular Council Meeting to Closed Session at 8:40 p.m.

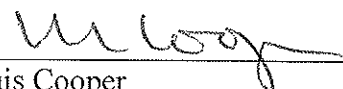
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Item # 10 Closed Session


**Closed session as authorized by Section 551.071 of the Texas Government
Code to consult with the City Attorney concerning reconstruction project of E.
Castano Avenue**

Mayor Cooper reconvened the regular meeting at 9:23 p.m. There was no action taken during the closed session.

There being no further business, the Mayor called for a motion to adjourn the regular City Council Meeting. Stan McCormick made a motion to adjourn, seconded by Bobby Rosenthal and unanimously approved. Mayor Cooper adjourned the meeting at 9:25 p.m.



Louis Cooper
Mayor



Jennifer Reyna, TRMC
City Secretary